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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/363,062	07/29/1999	DAVID CHARLES VIANO	DP-300298	7639

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EXAMINER

WINNER, TONY H

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/363,062

Applicant(s)

VIANO ET AL.

Examiner

Tony H. Winner

Art Unit

3611

MLW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-14 and 16-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-14 and 16-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed 3rd Non-Final Action

Acknowledgment

1. Receipt of the amendment and drawing correction filed 6/14/04 has been acknowledged and entered. Claims 1-11 and 33 have been canceled.

Withdraw Previously Allowed Claims

2. The indicated allowability of claims 12-14 and 16-20 are withdrawn in view of Sutherland (US. patent 6,123,355), Yamada (US. patent 5,884,937).

Rejections based on the newly cited references follow.

Claim Objections

3. Claims 12 and 22 are objected to because of the following informalities:
The recitation "vehicle structure" lacks antecedent basis. Suggests applicants to insert a letter – a – in front of the word "vehicle".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21-22, 24, 26-27, and 30-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Sutherland (US. patent 6,123,355).

Sutherland discloses a frontal air bag system for a vehicle having a front pillar, comprising:

- a. a frontal air bag (col 2 lines 23-30) mounted to the front pillar of the vehicle, wherein the frontal air bag is inflated to extend downward and sideways in front of an occupant seated in the vehicle, and
- b. an inflator adapted to be mounted to a vehicle structure and operatively connected to the front air bag.

With respect to claims 22, 24, 26-27, and 30-32 Sutherland discloses all of the claim limitations.

Note: Sutherland (col 2 lines 23-30) discloses a module (60) which includes inflator (14, 16) and air bags (20, 22) can be mounted on or near the A-pillar.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-14, 16, 17, and 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sutherland and in view of Miyahara et al. (6,234,517 B1).

Sutherland discloses a frontal air bag system for a vehicle having a front pillar, comprising:

- a. a frontal air bag (col 2 lines 23-30) mounted to the front pillar of the vehicle, wherein the frontal air bag is inflated to extend downward and sideways in front of an occupant seated in the vehicle, and
- b. an inflator adapted to be mounted to a vehicle structure and operatively connected to the front air bag.

Sutherland lacks the teaching of trim molding covering the frontal air bag and displayed during deployment of the air bag.

Miyahara discloses an air bag system, wherein garnishment (25), i.e. trim molding, covers the air bag components until displaced during deployment of the air bag. The use of such garnishment/molding makes for better aesthetics.

Based on the teaching of Miyahara, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the air bag system of Sutherland to include the garnishment/trim molding as in Miyahara so as to provide better aesthetics to the air bag system when not deployed.

With respect to claims 16, 17 and 23 Sutherland as modified by Yamada meets all of the claimed limitations.

With respect to claims 13 and 14, Sutherland does not differentiate between a passenger side or a driver side. It merely discusses side impact, roof, and window location. However, such a device would be beneficial on both side of the vehicle.

Art Unit: 3611

6. Claims 18, 19, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sutherland and in view of Wipasuramonton et al. (5,615,909).

Sutherland discloses a frontal air bag system for a vehicle having a front pillar, comprising:

- a. a frontal air bag (col 2 lines 23-30) mounted to the front pillar of the vehicle, wherein the frontal air bag is inflated to extend downward and sideways in front of an occupant seated in the vehicle, and
- b. an inflator adapted to be mounted to a vehicle structure and operatively connected to the front air bag.

Sutherland lacks the teaching of a neck portion that connected to at least one panel of the air bag.

Wipasuramonton discloses a neck portion for the air bag so as to provide better angle of deployment (figure 6).

Based on the teaching of Wipasuramonton, it would have been obvious to one of ordinary skill in the art at the time the invention was made modify the air bag system of Sutherland to include the neck portion of Wipasuramonton so as to provide the air bag with a better angle of deployment.

7. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sutherland and further in view of Yamada (5,884,937).

Sutherland discloses a frontal air bag system for a vehicle having a front pillar, comprising:

Art Unit: 3611

a. a frontal air bag (col 2 lines 23-30) mounted to the front pillar of the vehicle, wherein the frontal air bag is inflated to extend downward and sideways in front of an occupant seated in the vehicle, and

b. an inflator adapted to be mounted to a vehicle structure and operatively connected to the front air bag.

Sutherland lacks the teaching of a remote inflator.

Yamada teaches an air bag device with the inflator remotely mounted to the vehicle structure so as to eliminate the restriction of the inflator sizes.

Based on the teaching of Yamada, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the air bag device of Sutherland to include the remote inflator feature of Yamada so as to eliminate the restriction of inflator sizes due to the lack of space in the pillar to accommodate the inflator.

8. ~~Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over~~
Sutherland and further in view of Wipasuramonton et al. and Miyahara et al.

Sutherland discloses a frontal air bag system for a vehicle having a front pillar, comprising:

a. a frontal air bag (col 2 lines 23-30) mounted to the front pillar of the vehicle, wherein the frontal air bag is inflated to extend downward and sideways in front of an occupant seated in the vehicle, and

b. an inflator adapted to be mounted to a vehicle structure and operatively connected to the front air bag.

Sutherland lacks the teaching of a neck portion that connected to at least one panel of the air bag.

Wipasuramonton discloses a neck portion for the air bag so as to provide better angle of deployment (figure 6).

Based on the teaching of Wipasuramonton, it would have been obvious to one of ordinary skill in the art at the time the invention was made modify the air bag system of Sutherland to include the neck portion of Wipasuramonton so as to provide the air bag with a better angle of deployment.

Sutherland as modified by Wipasuramonton is disclosed above but lacks the teaching of trim molding covering the frontal air bag and displayed during deployment of the air bag.

Miyahara discloses an air bag system, wherein garnishment (25), i.e. trim molding, covers the air bag components until displaced during deployment of the air bag. The use of such garnishment/molding makes for better aesthetics

Based on the teaching of Miyahara, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the air bag system of Sutherland as modified by Wipasuramonton to include the garnishment/trim molding as in Miyahara so as to provide better aesthetics to the air bag system when not deployed.

Note: Sutherland (col 2 lines 23-30) discloses a module (60) which includes inflator (14, 16) and air bags (20, 22) can be mounted on or near the A-pillar.

Art Unit: 3611

Response to Arguments

9. Applicants' arguments filed 6/14/04 have been fully considered but they are moot in view of new ground of rejection.

Conclusion

10. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Tony Winner whose telephone number is (703) 306-5957. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



**LESLEY D. MORRIS
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**TONY WINNER
PATENT EXAMINER**

August 10, 2004